

ASSISTED LIVING ADVISORY COUNCIL (ALAC)
MINUTES

June 17, 2003
10:00 a.m. – 12:00 p.m.
Via Video-Teleconference
Carson City- 505 E. King St. Rm. 103 (Kinkead Bldg.)
Las Vegas- 1161 S. Valley View Conference Rm. (Special Children's Clinic)

COUNCIL MEMBERS PRESENT

Las Vegas-
Henny Bermier proxy for (Saraah Ganti, RFA)
Martha E. Hilario, RFA
Samuel T. Gee, RFA
Margaret McConnell, RN, RFA

Carson City-
Dell Williams, RFA
John Gabor, RFA
Barbara Lawrence, RFA (participated via phone)
Wendy Simons, RFA
Carolyn Vigara, LSW (new member)

COUNCIL MEMBERS EXCUSED

June Kern, RN, RFA
Terry Smith, Pharmacist
Saraah Ganti, RFA (sent proxy)
Ron Bradley, RFA (new member)
Barbara Lawrence, RFA (participated via phone)

HEALTH DIVISION STAFF PRESENT

Las Vegas-
Lisa Jones, HFS IV
Paul Shubert, HFS III

Carson City-
Pam Graham, Chief BLC
Debbie Bagnato, HFS III

ATTORNEY GENERAL STAFF PRESENT

Linda Anderson, Deputy Attorney General

Margaret McConnell opened the meeting at approximately 10:05am with introductions from all present.

Paul Shubert was asked to take the minutes for the June meeting in the absence of Saraah Ganti.
Saraah was re-assigned to take the minutes for the July meeting.

The May meeting minutes were approved.

*There was discussion concerning the term of service for each of the council members. Attached to these minutes is a copy of the by-laws that were approved by the council at the 12-3-02 meeting, describing terms of service. Each member will be asked to either verify the term below or provide information at the July meeting (add as agenda item).

The following members have volunteered to remain on the council for the terms indicated:

- 1) Margaret McConnell, RN, RFA (southern co-chairperson, 2 years ending 10/04)
- 2) Terry Smith, Pharmacist (2 years ending 10/04)
- 3) Martha E. Hilario, RFA (2 years ending 10/04)
- 4) June Kern, RN, RFA (undetermined)
- 5) Saraah Ganti, RFA (2 years ending 10/04)
- 6) Samuel T. Gee, RFA (2 years ending 10/04)

- 7) Wendy Simons, RFA (northern co-chairperson, 2 years ending 10/04)
- 8) Dell Williams, RFA (1 year ending 11/03)
- 9) John Gabor, RFA (2 years ending 10/04)
- 10) Barbara Lawrence, RFA (undetermined)
- 11) Carolyn Vigara, LSW (2 years ending 6/05)
- 12) Ron Bradley, RFA (1 year ending 6/04)

Melanie Summersdane, LSW was removed from the council due to a conflict of interest. Nominations were heard to replace vacant positions. Carolyn Figara and Ron Bradley were both appointed as new members to the council.

Legislative Issues Update- Pam Graham discussed the following legislative bills:

*AB 326- Passed, it will require regulations to be added to the residential facilities that will allow for an endorsement on a license to provide assisted living services. There was discussion concerning the final language in the bill. Discussion with Mary Liveratti indicated that she has an unusual interpretation of the term “living unit” that is different from the interpretation in previous discussions. Mary’s interpretation is that the “living unit” is the facility itself when speaking of a small facility. There was discussion about generating regulations. The question was asked as to whether the regulations would need to be completely separate from residential facilities. During discussions with the workgroup that was coordinated to assist with moving the bill forward, Alex Haartz at one point indicated that he thought the regulations could be included in residential facilities, the same as Alzheimer’s regulations and provision of assisted living services would be a new endorsement allowed on licenses. (add agenda item to discuss whether the council or task force will work on assisted living regulations)

AB 323- Passed, it requires that staff in an Alzheimer’s facility receive education concerning Alzheimer’s disease and dementia.

SB 412- Passed, it requires regulations to be added to fees in order to accommodate payment of renewal fees in installments.

SB 84- Passed, it moves the responsibility of receipt, maintenance and tracking of surety bonds to BLC.

AB 350- Died, this bill would have allowed relief for certain residential facilities from liability insurance requirements. Pam Graham has been having discussion with Dave Breedlove who has been able to find an underwriter to provide insurance for facilities contracting with and providing care to residents placed by the Division of Mental Hygiene and Mental Retardation (DMHMR), but the limits for coverage are \$100,000 - \$300,000. The contract that facilities have with DMHMR requires \$1,000,000 coverage. Pam has a call in to Dr. Triggs to discuss this disparity. Pam can’t speak for the Division of Mental Hygiene and Mental Retardation, but at least they’re discussing and perhaps considering alternatives.

Update on ALAC recommendations- Pam Graham discussed the following:

*-Reporting complaints that are not substantiated on the statement of deficiencies (SOD). Insurance providers and the public may request information about complaints as well as surveys and in such case, BLC is obligated to provide all information that is not considered confidential (the identity of the complainant or residents). It was clarified that ALAC is recommending that BLC notify the facility concerning complaints not substantiated by sending a separate letter rather than reporting the same on the SOD. BLC will generate a policy draft for review at the next ALAC meeting (add policy review as agenda item).

-Single point of entry/toll-free number for managing incoming complaints. There will be a meeting with telecommunications on 6-17-03 to establish a toll-free number, two staff have been identified to intake calls and enter complaint information into the data tracking system (one north and one south). As the implementation date nears, more information will be provided.

-Discussion concerning use of the sanction funds collected \$169,000 for training. Using these funds for training would be compatible with NRS 449.163(4). There will be discussion at the next task force meeting concerning use of these funds for coordination of training events.

*In a letter to ALAC, the task force made recommendation for BLC to develop a strategy for fee based "fast-tracking" of applications to fund faster initial surveys and to reduce the burden of initial surveys on budgeted workload. Fee based "fast-tracking" has become a standard practice for many local building departments. In this type of system, the facility would have the option to expedite initial survey processes while at the same time cover the additional cost of workload hours necessary to conduct such surveys. The council approved this as a formal recommendation to BLC and would like to see the dollar amount associated with the strategy (add as agenda item).

Margaret McConnell briefly recapped the phone conference concerning fees held on 6-13-03 with members of the task force, BLC and Health Division Administration. Members of the industry will be requesting discussion with the hospital and skilled nursing facility associations in Nevada to encourage them to pay for a portion of BLC's workload in residential care by increasing their fees. Members of the industry will be requesting discussion with the governor in an attempt to persuade him to allow for a different methodology to be used in calculating renewal fees. The BOH was empathetic last year when they heard from the residential care industry and it is assumed that they will want some new options for funding BLC with fees this year.

Pam Graham indicated that only 10 residential facilities returned Small Business Impact (SBI) questionnaires. Blank SBI questionnaires will be available at the workshops on 6-18-03.

One of the ways BLC is studying to reward facilities that maintain compliance (through a reduction in fees) is the grading of facilities. A pilot project is being conducted right now and approximately 60 of the 100 surveys have been accomplished. Paul Shubert explained that at the end of the pilot project (near the end of July), the data will be evaluated and comments from surveyors as well as feedback from facilities will be reviewed to determine what went well and what can be improved and whether BLC should go forward with generation of regulations that will allow the grading of facilities and the subsequent charging for re-inspection of non-compliant facilities. ALAC members asked that a synopsis of the rating scale and re-survey charges be given at the August meeting.

The motion to change the scheduling of ALAC meetings to bi-monthly was approved and will begin after September. The council will meet in September '03, November '03, January '04, March '04 etc... The regularly scheduled meetings will continue to be held in July and August 2003.

Wendy Simons indicated that there were some extremely negative comments by Dr. Martin about the residential care industry. Dr. Martin works with a volunteer organization that provides geriatric exercise activities and guidance. Due to the comments Dr. Martin made, it is felt that any volunteer group that is coming into facilities should receive some education on the services provided, types of residents, level of care and assistance provided and at the very least, the administrator should be present when the volunteer arrives at the facility and should shadow the volunteer to offer input and guidance about residents and the care they are receiving.

These minutes prepared by Paul Shubert.

* indicates item to be added to the next agenda